



Convention on the Rights of Persons with Disabilities

Distr.: General
5 October 2018

Original: English

Committee on the Rights of Persons with Disabilities Twentieth session

Summary record of the 416th meeting

Held at the Palais des Nations, Geneva, on Tuesday, 11 September 2018, at 10 a.m.

Chair: Ms. Degener

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by parties to the Convention under article 35
(continued)

Initial report of the former Yugoslav Republic of Macedonia (continued)
(CRPD/C/MKD/1; CRPD/C/MKD/Q/1 and CRPD/C/MKD/Q/1/Add.1)

1. *At the invitation of the Chair, the delegation of the former Yugoslav Republic of Macedonia took places at the Committee table.*

Articles 11–20

2. **Mr. Tomsic** (The former Yugoslav Republic of Macedonia), continuing his delegation's replies to questions put at the previous meeting, said that the Constitution guaranteed disaster protection and rescue services for all citizens, without discrimination. The Protection and Rescue Directorate was responsible for conducting safety-related activities and issuing early warnings for hazards and natural disasters. For the purposes of evacuation procedures, there were several priority categories of person, one of which included persons with disabilities; however, more needed to be done for such persons. The Government had issued recommendations on measures to enhance protection for persons with disabilities, such as amending legislation, promoting preparation measures and conducting training exercises. The Directorate had provided training to some 40 individuals responsible for the safety of persons with disabilities. In addition, it had established a national database containing contact details for persons with disabilities and the associations and centres providing services to them. Regrettably, there was no separate emergency number for persons with disabilities; the regular number covered all segments of the population.

3. In the absence of more precise data, the number of children with disabilities attending day-care centres could be measured indirectly from the number of children and young people up to the age of 26 years with disabilities who were in receipt of a special allowance for the reimbursement of day-care costs, currently 7,295. In 2017, the Ministry of Labour and Social Policy had begun to develop a national database containing information on the gender and place of residence of children with disabilities and the type and degree of disability that each child lived with. Where possible, children with disabilities would no longer be placed in State-owned institutions, and the number of children living in such facilities had dropped from 26 in August 2017 to 16 in August 2018. The reduction was due in part to the transfer of seven children with intellectual disabilities from institutional care to small group homes established in mid-2018. A further three children had left the Institute for rehabilitation of children and youth in Skopje: one had returned to the family home and two had gone to live with foster families. Between 2000 and 2018, almost 100 persons with disabilities, including children, had been moved to foster homes or small group homes.

4. One of the key goals of the National Strategy on Deinstitutionalization for 2018–2027 was to promote independent living for persons with disabilities. In that connection, the Government's priorities included support for children returning to their biological families or being transferred to foster families. The Ministry of Labour and Social Policy and other State bodies were in the process of developing new individualized services for persons with disabilities, including the provision of personal assistance and support for persons living in their own homes. Many persons with disabilities would be moved to small group homes accommodating a maximum of five people. Quality of life in group homes was of paramount importance; staff were fully trained and monitoring mechanisms were being developed. The main aim of small group homes was to facilitate the participation of persons with disabilities in community activities and their access to educational, health-care and cultural services.

5. The authorities had worked in cooperation with experts from Slovenia to establish methodologies and costs for the provision of a number of independent living services, including personal assistance and accommodation in rehabilitation centres. In 2018, the first management contract for such services had been put out to public tender. The transfer

of persons with disabilities to new living environments would be conducted in accordance with their wishes and those of their families. The Government had made 10 residential units in 10 cities available for persons living in institutions. When State-owned apartments were allocated to persons with disabilities, care was taken to ensure they were not concentrated in the same communities.

6. The former Yugoslav Republic of Macedonia was the first country in the region to have set aside a separate budget line for deinstitutionalization. In 2018, some 29.1 million denars (Mden) had been earmarked for that budget line, and that figure would increase substantially in 2019. The development of services in local communities had been allocated more than Mden 169.1 million. The figures clearly demonstrated the State's commitment to deinstitutionalization. Funding from the European Union for services in local communities had totalled €2 million in 2018; negotiations were ongoing to replace grant support with budget support for 2019.

7. **Mr. Trkaljanov** (The former Yugoslav Republic of Macedonia) said that, in 2018, the Ministry of Labour and Social Policy had allocated over Mden 17 million over six months for personal assistance services. In 2019, the provision of such services for persons with severe disabilities and blind persons would become a statutory requirement; persons with intellectual disabilities would be included at a later stage. The personal assistance programme was intended to support independent living and enable people to make their own decisions about their lifestyle and social activities. Personal assistants would be made available for up to 20 hours per week according to individual needs. Beneficiaries would receive help with physiological needs, household chores and matters relating to education or employment, for example. The tasks to be performed would be selected by the beneficiaries. In order to access the personal assistance programme, applicants had to be nationals of the former Yugoslav Republic of Macedonia and be aged between 18 and 64 years. Children under the age of 18 years could be provided with educational assistants. Persons aged over 64 years could benefit from a care-at-home programme that was under development. Non-governmental organizations (NGOs) or other entities providing personal assistants had to meet the relevant employment conditions and performance requirements. When a new assistant was assigned, there was a 30-day transition period to allow the beneficiary to establish a working relationship with that person. The quality of the services provided was monitored through evaluations at six-month intervals.

8. **Mr. Tomsic** (The former Yugoslav Republic of Macedonia) said that the public tender for NGOs to provide personal assistance services had generated very few applications, only a small number of which had met the required standards. There was thus a need for additional training for civil society organizations and public institutions to build capacity in that area.

9. **Mr. Kostovski** (The former Yugoslav Republic of Macedonia) said that the revised Law on Health Insurance was expected to be adopted in October 2018. The most important amendment to the Law with respect to persons with disabilities was the elimination of the prerequisite of six months' contributions in order to be entitled to request orthopaedic aids and devices. In addition, individuals would have the option of purchasing higher-quality devices approved by the Health Insurance Fund and paying the difference in price. Another amendment would exempt certain groups of persons with disabilities, including persons with intellectual disabilities living in institutions and children with intellectual disabilities who lacked parental support, from payment of State health-care contributions.

10. Regrettably, the advancement of women's rights in the country had suffered a setback in the previous decade, but the new Government was taking measures to address the situation. For instance, a working group made up of representatives from the Government and civil society organizations was drafting a new law on informed consent to abortion for women with disabilities. Three crisis centres and one shelter had been opened for victims of sexual violence, offering services that had been specifically designed with gender- and disability-related issues in mind.

11. **Ms. Krstevska** (The former Yugoslav Republic of Macedonia) said that the Directorate for the Execution of Sanctions was taking steps to ensure that the 12 prisons it administered were accessible for persons with disabilities. A new scheme had been

launched in August 2018 to install access ramps at each of the prisons by the end of 2020. By the end of 2023, all of the facilities would have accessible cells adapted to the everyday needs of prisoners with disabilities. Currently, prisoners with disabilities were being transferred to serve their sentences at institutions where such reasonable accommodation had already been made. At one prison, a separate section for women inmates, complete with access ramps and cells designed for persons with disabilities, was scheduled to be added during the next construction phase.

12. **Ms. Geleva** (The former Yugoslav Republic of Macedonia) said that her Government did not intend to sign and ratify the draft Additional Protocol to the Council of Europe Convention on Human Rights and Biomedicine, concerning the protection of human rights and dignity of persons with mental disorder with regard to involuntary placement and involuntary treatment, because it violated crucial articles of the Convention on the Rights of Persons with Disabilities.

13. The country's academy for the training of judges organized regular sessions on international human rights instruments, including the Convention. In collaboration with the NGO Polio Plus — Movement against Disability, two specialized training courses on issues related to the rights of persons with disabilities had been held for judges and public prosecutors, with a further two sessions scheduled to take place before the end of the year. The academy also published collections of judgments of the European Court of Human Rights on the subject of discrimination, including disability-based discrimination.

14. Data on access to justice for persons deprived of legal capacity were currently unavailable; the delegation would endeavour to ensure that such statistics were included in the next periodic report. The Constitution guaranteed access to justice for all citizens, including the right to file complaints against acts or omissions of State institutions. Access to protection of rights in court proceedings, the right to appeal, the right to other legal remedies and the right to a fair trial were also guaranteed by law. Persons with disabilities who found their access to justice restricted could call on the Commission for Protection against Discrimination. In principle, beneficiaries of disability benefits who did not receive a salary or income from immovable property were entitled to free legal aid. However, the Law on Free Legal Aid had proved to be ineffective and the Ministry of Justice was therefore working on less cumbersome legislation that was in line with European standards. Furthermore, despite the construction of a new criminal court in Skopje that was accessible for persons with disabilities, there was still much work to be done to improve the accessibility of court buildings.

15. The delegation agreed that some of the language used in the Law on Extrajudicial Settlement and the Law on the Family was inappropriate. The National Coordination Body for Implementation of the Convention would be tasked with reviewing the two laws to ensure that the terminology used was in line with the Convention.

16. **Mr. Tomsic** (The former Yugoslav Republic of Macedonia) said that the Law on Prevention of and Protection against Domestic Violence had been adopted in 2015; five by-laws had subsequently been adopted to implement the Law and provide for monitoring of the measures taken to combat domestic violence. Under the legislation, professionals who came across cases of domestic violence must take urgent action, especially when the victims were children, older persons, or persons unable to look after themselves or with limited legal capacity. Facilities to accommodate victims were being improved; the three crisis centres opened in 2018 were fully adapted to the needs of persons with disabilities. Following the country's ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, a review of relevant national legislation was being conducted.

17. The country's psychiatric institutions were in poor condition and lacked necessary equipment. In addition, there was a lack of prevention and rehabilitation programmes, family assistance and support to help persons with mental disabilities become active participants in the community. The mental health services system did not function properly because it was not sufficiently connected to local communities or other health-care systems. There were three psychiatric institutions in the country with a total of 1,200 beds, while psychiatric clinics in hospitals in Skopje offered a further 55 beds. The only facilities for

children and adolescents were found at the university psychiatry clinic in the capital. The system was beset by challenges, not least a lack of education with regard to treatments for mental health conditions. The Government had therefore launched a new national strategy on mental health.

18. **Mr. Kostovski** (The former Yugoslav Republic of Macedonia) said that the process of decentralizing the mental health system had stagnated after 2007. It was hoped that the new national strategy would produce significant improvements in the capacity of the mental health services system through the strengthening of existing mental health centres, the opening of new centres in major cities and the construction of several specialist centres for children and young people.

Articles 21–33

19. **Mr. Chaker** asked whether the social protection measures taken by the State party were sufficient to ensure an adequate standard of living for persons with disabilities. He also wished to know whether the State party's new Government had a plan for fighting poverty among persons with disabilities.

20. **Mr. Martin** said that he wondered whether the State party provided public information in Easy Read format for persons with intellectual disabilities. He also wondered what the Government was doing to improve the health outcomes of persons with such disabilities, especially those living in institutions.

21. **Mr. Kim Hyung Shik** asked what percentage of persons with disabilities were employed, whether the wages of workers with disabilities enabled them to make a decent living and whether such workers had stable, regular employment. It would be interesting to know why most prospective employers were reluctant to hire persons with disabilities and whether the State party had taken the kinds of awareness-raising measures enumerated in article 8 of the Convention to reach out to employers. The delegation should indicate what steps that had been taken to ensure that persons with disabilities enjoyed opportunities for work and employment on a basis of equality with others.

22. He wondered what had been done to ensure the systematic collection of relevant disability data and whether organizations of persons with disabilities had been consulted about efforts to collect such data. Lastly, he wished to know how international cooperation facilitated the implementation of the Convention in the State party and to what extent persons with disabilities were involved in international cooperation projects.

23. **Mr. Tatić** said that he would welcome an indication of the support provided by the Government and institutions of higher learning to students with disabilities. It would be interesting to learn, for example, what forms reasonable accommodation took in the State party's universities, whether sign language interpretation was available and whether books could be found in Braille or other accessible formats. Similarly, he wondered whether unemployed persons with disabilities were offered the training opportunities that would enable them to compete in the open labour market. Lastly, he would appreciate a comment from the delegation on the accessibility of the State party's cultural attractions.

24. **Mr. Ishikawa** asked whether the State party had developed an official qualification and accreditation system for sign language interpreters and whether there were programmes in place to help such interpreters hone their skills. He would welcome information on the training programmes for teachers that would make it possible to ensure that more children with disabilities attended inclusive schools. In that connection, he wondered whether the State party, further to the Law on Primary Education and the Law on Secondary Education, had developed a plan to provide personal assistance services for pupils with disabilities.

25. The delegation should indicate how many people in the State party were deprived of the right to vote under the provision of the Election Code stating that only adult citizens who were able to work were entitled to vote. It should also indicate when the State party intended to restore the civil rights of persons with disabilities who had been disenfranchised as a result of that provision. In the same connection, he wondered what specific steps had been taken to ensure that polling stations were accessible to persons with disabilities, that such persons could cast their votes independently and that ballots were secret.

26. Information about the current status and expected date of establishment of the independent mechanism for monitoring the implementation of the Convention, which, he understood, was to operate within the Ombudsman's Office, would be welcome. In particular, it would be interesting to know what efforts had been made to ensure that persons with disabilities participated in the mechanism's work.

27. **Mr. Langvad** asked what steps the State party intended to take to ensure that all adult citizens had the right to vote and that all persons with disabilities had access to free health services, including the assistive devices that would enable them to live healthy lives. He also wished to know what safeguards would be put in place to protect the sexual and reproductive rights of women and girls with disabilities and what measures would be adopted to ensure that the facilities where they could exercise those rights were accessible to them.

28. In addition, he wondered how the authorities would ensure that the National Coordination Body for Implementation of the Convention included organizations of all kinds of persons with disabilities and that such persons were also involved in the work of the monitoring mechanism. Lastly, he asked how the authorities planned to make certain that reasonable accommodation was provided for persons with disabilities when they entered the labour market.

29. **Mr. Basharu** asked whether the State party intended to amend the Law on Employment of Persons with Disabilities to remove the objectionable terminology it used and to prevent the spouse, parent or guardian of a worker with a disability from withdrawing the worker's salary from his or her bank account. The State party should reconsider the discriminatory constitutional provision stating that persons who were unable to work were not allowed to vote. It should also ensure that the procedures followed to enable persons with disabilities to vote did not compromise their right to cast a secret ballot.

30. **The Chair** said that she wished to know whether the State party would consider recognizing sign language as one of its official languages and promoting its use. She would welcome a clarification of the delegation's reply to the question she had put previously as to whether a woman's guardian could decide, without obtaining her consent, whether she had an abortion or was sterilized. She wondered whether a person with an intellectual or psychosocial disability who wished to marry was required to produce a clean bill of genetic health. Lastly, she wished to know whether the State party's independent monitoring mechanism would be compliant with the Paris Principles.

31. **Mr. Babu** (Country Rapporteur) said that he would welcome more information on the measures taken by the State party to provide accessible, gender-sensitive, mainstream and high-quality health-care services to people with disabilities, especially women and children. It would be particularly interesting to hear about the financial resources and training that were provided to facilitate the implementation of those measures.

32. With regard to article 27, he wished to know how the State party reconciled article 6 of the Law on Labour Relations, which prohibited discrimination against persons with disabilities, and the Law on Civil Servants, which stated that public sector workers had to meet a general health requirement. He wondered how many persons with disabilities were employed in the public sector.

The meeting was suspended at 11.40 a.m. and resumed at noon.

33. **Mr. Tomsic** (The former Yugoslav Republic of Macedonia) said that the social welfare benefits that persons with disabilities in his country were entitled to were as generous as or more generous than those that any other population group might receive. The monthly benefit for persons with disabilities was equal to the monthly minimum wage. As a result, beneficiaries had an incentive not to seek work. Preparation of a major reform of the social welfare system was under way. The public would be invited to comment on the planned reform, which would include amendments to the Law on Social Protection. A proposal had been made to introduce a minimum income for all families.

34. **Ms. Krstevska** (The former Yugoslav Republic of Macedonia) said that her country did not have an abundance of reading and other educational materials for persons with

intellectual disabilities. Such materials as were available had been developed by organizations of parents of children with intellectual disabilities. The authorities were well aware that more needed to be done in that regard.

35. **Mr. Tomsic** (The former Yugoslav Republic of Macedonia) said that, according to recent data from the country's Employment Service Agency, nearly 2,400 persons with disabilities were employed by some 200 companies in the country's sheltered employment sector. Approximately 1,300 workers with disabilities, of whom 428 were women, had registered as jobseekers. Several hundred persons with disabilities had been given support, including grants, to start their own businesses. Women with disabilities who worked were paid less than their male counterparts, but that disparity was hardly unique to workers with disabilities.

36. Statistics on persons with disabilities employed in the private and public sectors were not readily available. An attempt to amend the Law on Employment of Persons with Disabilities with a view to introducing a quota system had met with considerable resistance and had ultimately been abandoned. Nonetheless, a number of rehabilitation and training projects had been launched with the support of chambers of commerce and employers' organizations.

37. Standards on vocational rehabilitation had been drafted recently and, in 2018, the Government had begun putting the finishing touches to facilities that would operate as rehabilitation centres. The first such centre was set to open in the city of Strumica. The Law on Labour Relations would be amended to include provisions on rehabilitation, but even under current law funds were available to ensure that workers with disabilities were provided with reasonable accommodation. Efforts would be made to improve the sharing of disaggregated disability data by relevant government institutions, including the social welfare authorities and the Employment Service Agency.

38. The country worked with a number of international partners, including other countries and United Nations agencies. Joint cooperation projects had focused, for example, on empowering persons with disabilities and thereby enabling them to find employment.

39. **Ms. Krstevska** (The former Yugoslav Republic of Macedonia) said that assistive technology had been introduced relatively recently in her country. Awareness-raising for the public, teachers, parents and persons with disabilities themselves regarding the opportunities for using such technology had begun in 2006. Between 30 and 50 regular primary schools had been equipped with assistive devices, such as special keyboards, for pupils with disabilities, first and foremost those with physical disabilities and visual impairments. Teachers were provided with ongoing training on how to use such technology in their teaching to improve pupils' academic results. The Open the Windows organization had a mission to develop assistive technologies and educate teachers, children with disabilities and their parents about its use. A project had recently been completed, in cooperation with the Ministry of Education and funded by the United States Agency for International Development (USAID), to equip schools and kindergartens with assistive technology. Materials and guidebooks had been printed to facilitate the use of the technology. A project to equip free internet cafes across the country with adapted computer stations for persons with disabilities had been completed.

40. Since 2009, Macedonian Sign Language had been recognized as an official language that could be used in everyday life. Under the relevant law, deaf persons were entitled to call on the services of a sign language interpreter in any dealings with a State institution. However, implementation of the legislation was unfortunately not satisfactory. The Association of the Deaf and Hard of Hearing used government funding to train new sign language interpreters, as there was a shortage of qualified interpreters. One of the Association's goals, shared by the Government, was the standardization of Macedonian Sign Language.

41. **Ms. Jancheva** (The former Yugoslav Republic of Macedonia) said that the Ministry of Education and Science had organized training for teachers as part of the programme for inclusive schools initiated in 2014 in 31 primary schools. The training programme, run in cooperation with the United Nations Children's Fund (UNICEF), comprised three modules: "The vision and concept", "Working together to organize inclusive education" and

"Creating an inclusive environment". A range of materials, textbooks and online training courses for teachers had been developed in partnership with the Bureau for the Development of Education between 2014 and 2017, and guidelines had been drawn up on how to organize the work of inclusive teams. In addition, manuals had been published to support pupils with special educational needs. Another useful tool for teachers was the manual for the formative assessment of pupils, especially those with learning difficulties.

42. In 2017, a programme had been adopted for the early detection of children with learning difficulties and special educational needs in primary education. In 2018, 100 teachers would receive training in that area and would go on to train their colleagues. Since 2016, schools had had an obligation to draw up individual educational plans for every pupil with a learning difficulty. Under a programme run in partnership with the United Nations Development Programme, a total of 180 personal and educational assistants had been employed and a further 300 would be recruited in 2018.

43. **Ms. Krstevska** (The former Yugoslav Republic of Macedonia) said that, although work on developing inclusive education had begun some 20 years earlier, results had been slow. Although by law parents had the right to enrol a child with a disability in either special or mainstream education, and there were no obstacles to children with disabilities attending mainstream schools in theory, the level of support for pupils and parents was insufficient in practice. The revisions to the Law on Primary Education that were currently being drafted would explicitly prohibit discrimination on the grounds of level of functionality. Special educators and rehabilitators had been introduced in schools in 2011 and were now working in 20 per cent of mainstream primary and secondary schools. The Government had undertaken to ensure that every school in the country would have such specialists on staff. The 2018–2025 education strategy placed strong emphasis on inclusive education.

44. **Ms. Geleva** (The former Yugoslav Republic of Macedonia) said that there appeared to have been a misunderstanding concerning the voting rights of persons with disabilities owing to the mistranslation of the term "legal capacity" in certain documents. Under article 22 of the Constitution, every citizen on reaching 18 years of age acquired the right to vote; persons deprived of legal capacity did not have the right to vote. There was a similar provision in the Election Code. No reference was made in either text to "work capacity". Arrangements were made to ensure that persons with disabilities could exercise their right to vote and to ensure the secrecy of ballots. A simple system was in place to ensure that blind persons could vote without assistance. Persons with disabilities living in residential institutions were entitled to vote provided that they had legal capacity; they received their ballots directly at the institution the day before the election.

45. **Mr. Trkaljanov** (The former Yugoslav Republic of Macedonia) said that an agreement had been concluded with the airport operations company to ensure that accessibility standards were fully met at Skopje International Airport and other airports. However, there were problems with adherence to procedures for assisting persons with disabilities, along with a lack of suitable equipment. Training on assisting persons with disabilities was provided and well attended. When it came to rail transport, special platforms had been designed to facilitate access to trains for persons with disabilities. Although city buses were completely accessible, there was still a need to raise awareness among bus drivers of the requirements of persons with disabilities. Persons with disabilities received financial support to acquire assistive devices and aids.

46. **Ms. Krstevska** (The former Yugoslav Republic of Macedonia) said that, since 2008, students with disabilities had been exempt from paying university fees. As from 2005, provision had been made for sign language interpretation services in universities. Students with disabilities in Skopje were entitled to transportation from their home to the university in a specially adapted van. The Ministry of Labour and Social Policy provided a personal assistance service for students who required it. On-campus accommodation was available to students with disabilities free of charge and scholarships were offered to vulnerable categories of students, including persons with disabilities.

47. **Mr. Dodevski** (The former Yugoslav Republic of Macedonia) said that the Government had included an increased number of representatives of organizations of

persons with disabilities in the National Coordination Body for Implementation of the Convention, including one member of the umbrella disability organization. The suggestion that representatives of organizations of all types of persons with disabilities should be included in the membership and administrative staff of the monitoring body would be conveyed to the relevant authorities.

48. **Ms. Geleva** (The former Yugoslav Republic of Macedonia) said that the necessary legislative measures had been taken several years earlier to ensure that the Ombudsman's Office met the requirements of the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions and was thus in compliance with the Paris Principles. It was now for the Ombudsman's Office to apply for such accreditation.

49. **Mr. Tomsic** (The former Yugoslav Republic of Macedonia) said that replies would be provided in writing to the outstanding questions. The Committee's recommendations would be considered by the National Coordination Body for Implementation of the Convention and shared with the relevant ministries with a view to bringing about improvements in the situation of persons with disabilities in the former Yugoslav Republic of Macedonia.

50. **Mr. Babu** said that the Committee was grateful to the delegation for the productive dialogue and the State party's good intentions and positive attitude when it came to implementing the Convention. There were obviously gaps in the State party's legislation and policies with regard to the domestication of the Convention, and it was to be hoped that the new law on social policy would address some of them. It was important for the Government to undertake to collaborate, coordinate and consult with persons with disabilities and their representative organizations on all actions aimed at promoting the rights of persons with disabilities in the country, as that was the only way to bring about meaningful change. He hoped that the Government would give due regard to the Committee's concluding observations and would make available the necessary human, financial and other resources to implement them.

51. **The Chair** thanked the delegation for the truly constructive dialogue, which she hoped would help to improve implementation of the Convention in the State party.

The meeting rose at 12.55 p.m.